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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,547	11/03/2003	Daniel Bernesi	010438-0004	9944
7590	04/13/2005		EXAMINER	
ROBIC 55 St Jacques Montreal, QC H2Y 3X2 CANADA			BEAULIEU, YONEL	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/698,547	BERNESI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Yonel Beaulieu	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 November 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/03/03 &amp; 4/29/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 7, 9, 10, 12 – 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldberg et al. (US 5,742,509).

Regarding claims 1 – 7, 9, 10, 12 – 18, and 20, Goldberg et al teaches a tracking system/method for locating a vehicle (title; fig. 1) comprising an inertial navigation device including inertial navigation sensors mounted on the vehicle for generating a position vector used to determine an absolute vehicle location (col. 3, lines 45 – 60 at least); a radio transmitter (14) connected to the navigation device for transmitting the position vector (col. 6, lines 52 – 64 at least); and a central monitoring station (28) for receiving the position vector transmitted by the radio transmitter (see fig. 1; col. 6, lines 36 – 41 at least); Goldeberg's system further includes accelerometers for measurements along longitudinal and lateral directions of the vehicle (inertial navigation systems generally incorporate many mechanical components such as accelerometers, gyroscopes, and radi-goniometers); determination of the vehicle heading (col. 9, lines 37 – 41 and col. 11, lines 34 – 37 at least; the system further including a wireless cellular and paging transceiver for establishing a telecommunications link with the central monitoring station (fig. 2; col. 4, lines 6 – 22; col. 6, lines 20 – 22; col. 10, lines 1

– 6); the system further includes verification module (user interface 128) for determining user authorization (col. 14, lines 1 – 16 at least) and movement detector for detecting unauthorized engine start and wireless remote cut-off for disabling starting of the vehicle engine (col. 5, lines 4 – 22 and col. 14, lines 24 – 35).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg et al. ('509) as applied to claims 1 and 12 (directly or indirectly).

As discussed above, Goldberg teaches all of the limitations except for the inclusion of a biometrics fingerprint identification module and the carrier signal having a 50 to 500 KHz frequency. However, Goldberg does teach an identification device (see figs. 2, 4, and 5C) and a carrier frequency achieving the same intended result of tracking the location of a vehicle as claimed.

It would have been obvious to one of ordinary skill in the art at the time of the invention Goldberg's teaching is at least equivalent to the claimed because Goldberg

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does teach all of the necessary features in order to achieve the same end result of tracking a vehicle.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (571) 272-6955. The examiner can normally be reached on M-W 9-3; F 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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